

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.5065/2017

**919 CIVIL APPLICATION NO. 5065 OF 2017
IN FAST/23957/2016**

VIDYA SANDESH KOMATWAR AND ANR
VERSUS
UNITED INDIA INSURANCE CO. LTD. THR ITS DIV.
MANAGER,AURANGABAD AND ORS

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Advocate for Applicants : Mr.Shinde Manoj D.
Mr. Mohit Deshmukh, Adv., h/f Mr. S. G. Chapalgoankar, Adv., for
respondent no.1.
Mr. M.S.Taur, Adv., for respondent no.4.

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CORAM : P.R. BORA, J.
Dated: June 23, 2017

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PER COURT :-

1. The applicants have filed the present application seeking direction against the appellant Insurance company to deposit the entire amount under the award with interest thereon. Learned Counsel for the applicants submitted that since the impugned award is a money decree, the execution of the same cannot be stayed without asking the Insurance Company to deposit the entire amount under the award. Learned Counsel submitted that it appears that some inherent mistake has appeared while passing the order by this Court on 22nd of August, 2016. Learned Counsel, therefore, prayed for direction against the Insurance Company to deposit the entire amount under the award.

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2. Learned Counsel appearing for the Insurance Company submitted that on 22nd of August, 2016, when the interim stay was granted by this Court, it was brought to the notice of the Court by the appellant that though in the impugned judgment, the Tribunal has held the deceased also negligent in equal proportion in occurrence of the alleged accident, the hundred per cent liability of paying compensation has been saddled on appellant Insurance Company. Learned Counsel submitted that this Court has, therefore, passed an order granting stay to the execution of the impugned award subject to deposit of a sum of Rs.20,00,000/- (Rs. twenty lacs) by the appellant Insurance Company in this Court within the period of four weeks. Learned Counsel submitted that, however, while transcribing the said order, the amount was mentioned of only Rs.2,00,000/- (Rs. two lakhs) and since the same order was uploaded, the Insurance Company has complied with the said order. Learned Counsel, therefore, submitted for passing appropriate orders.

3. After having heard the submissions made on behalf of learned Counsel appearing for the parties, I did also recollect that the appellant Insurance Company was directed to deposit the amount of Rs.20,00,000/- (Rs. twenty lakhs) in this Court. It appears that inadvertent mistake has occurred while transcribing the said order and the mistake so occurred could not be noticed by this Court also while signing the same. The said order, therefore, needs to be modified. Hence, further following Order.

agp/-

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(3)

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ORDER

1. The appellant Insurance Company is directed to deposit a further sum of Rs.18,00,000/- (Rs. eighteen lacs) in this Court within four weeks from the date of this order. Civil Application (No.5065/2017) stands disposed of.

(P.R. BORA, J.)

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